

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANRIQUE BARTON

Plaintiff,

v.

CASCADE REGIONAL BLOOD  
SERVICES,

Defendant.

Case No. C06-5644RBL

ORDER ON MOTIONS IN LIMINE

This matter is before the court on the Defendants' Motions In Limine and Plaintiff's Motions In Limine. [Dkt. #s 33 and 34, respectively]. The Court has reviewed the Motions and the parties' respective Responses to them. The Court makes the following Rulings:

**Defendants' Motions In Limine.**

1. Failure to call witnesses. Defendant's Motion to prohibit plaintiff from arguing that defendant failed to call any particular witness is DENIED.
2. Testimony of witness not called. Defendant's Motion to prohibit plaintiff from telling the jury there will be certain testimony is DENIED.
3. Exclusion of improperly identified witnesses. Defendant's Motion to prohibit plaintiff from soliciting opinion testimony from witnesses not identified as experts is RESERVED.
4. Exclusion of unproduced documents. Defendant's Motion to prohibit plaintiff from

1 introducing or inquiring about documents not produced in discovery is  
2 RESERVED.

3 5. Exclusion of Conduct during Discovery. Defendant's Motion to prohibit plaintiff  
4 from referencing defendant's failure to produce documents during discovery is  
5 RESERVED.

6 6. Exclusion of unidentified damages. Defendant's Motion to prohibit plaintiff from  
7 offering testimony about damages not identified in discovery is RESERVED.

8 7. Exclusion of financial status. Defendant's Motion to prohibit plaintiff from  
9 referencing the net worth of Defendant (in the absence of liability for punitive  
10 damages) is GRANTED.

11 8. Disposition of pretrial Motions. Defendant's Motion to prohibit plaintiff from  
12 referencing the disposition of any pretrial Motion is GRANTED.

13 9. Reference to Motion in Limine. Defendant's Motion to prohibit plaintiff from  
14 referencing this Motion in Limine is GRANTED.

15 10. Defendant's Motion to prohibit plaintiff from offering testimony about mistreatment  
16 of other staff members is RESERVED.

17 **Plaintiff's Motions In Limine.**

18 1. Plaintiff's Motion to exclude evidence about his receipt of unemployment  
19 compensation is GRANTED.

20 2. Plaintiff's second topic does not address an evidentiary issue directly. The issue is  
21 RESERVED pending further clarification.

22 3. Plaintiff's Motion to exclude evidence about the time or circumstances under which  
23 he retained his attorney is RESERVED.

24 4. Plaintiff's Motion to exclude testimony or cross examination about his prior arrests  
25 is GRANTED. Plaintiff's Motion to exclude testimony about Barton's prior  
26 convictions and his prior truthfulness about them, is DENIED.

27 5. Plaintiff's Motion to exclude testimony about the applicability of federal or other  
28 tax is GRANTED.

6. Plaintiff's Motion to exclude testimony about his medical condition(s) is  
RESERVED.

7. Plaintiff's motion to exclude testimony that he called or failed to call any particular  
witness is DENIED.

8. Plaintiff's Motion to exclude non-party witnesses from the courtroom is  
GRANTED.

9. Plaintiff's motion to exclude the opinion testimony of Gerald Rosen is RESERVED.

10. Plaintiff's motion to exclude audio and video depicting Plaintiff's voice is  
RESERVED.

11. Plaintiff's motion to exclude testimony of actual or potential blood donors at  
Cascade on the basis of nondisclosure is RESERVED.

12. Plaintiff's motion to exclude testimony not disclosed in discovery is RESERVED.

13. Plaintiff's motion to exclude evidence about a restraining order against Mr. Barton  
is RESERVED.

14. Plaintiff's motion to exclude testimony about this Motion is GRANTED.

IT IS SO ORDERED.

Dated this 15<sup>th</sup> day of January 2008.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE